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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,984

07/24/2003

Jungwon Shin

INL-059

1711

22832 7590 04/10/2007  
Kirkpatrick & Lockhart Preston Gates Ellis LLP  
STATE STREET FINANCIAL CENTER  
One Lincoln Street  
BOSTON, MA 02111-2950

EXAMINER

NOGUEROLA, ALEXANDER STEPHAN

ART UNIT

PAPER NUMBER

1753

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/625,984

Applicant(s)

SHIN ET AL.

Examiner

ALEX NOGUEROLA

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The declaration filed on January 25, 2007 under 37 CFR 1.131 ("Declaration") has been considered but is ineffective to overcome the Mansouri reference. On the Oath for the instant application there are three persons listed as inventors: Jungwon Shin, Sohrab Mansouri, and Conlon Dennis. The Declaration itself lists these three persons as inventors. However, only Sohrab Mansouri signed the Declaration. All three inventors must sign the Declaration unless "... it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection ... Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 35 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the rejected claims" See MPEP 715.04.

***Status of the Rejections pending since the Office action of September 26, 2006***

2. All previous rejections are maintained.

***Final Rejection***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX NOGUEROLA whose telephone number is (571) 272-1343. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NAM NGUYEN can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alex Nogueraola  
Primary Examiner  
AU 1753  
April 9, 2007

**BEST AVAILABLE COPY****K&L | GATES**

Kirkpatrick & Lockhart Preston Gates Ellis LLP  
State Street Financial Center  
One Lincoln Street  
Boston, MA 02111-2950  
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**FAX**

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**Date • 4/5/2007****Pages • 5****Time • 3:58:31 PM****Transmit To • Examiner Noguerola****Company/Firm •****Telephone No. •****Fax No. • +1 (571) 273-1343****From • Karen Chan****Phone • 617-261-3215****Lawyer ID. • 05988**

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**Client ID/Matter No. • 0518960 / 0124**

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**COMMENTS:**

Dear Examiner Noguerola,

Per our discussion, attached please find Exhibit A (a redacted Invention Disclosure) which is part of the Declaration of Sohrab Mansouri originally filed on January 25, 2007, in connection with U.S.S.N. 10/625,984.

Best regards,  
Karen K. Chan  
617-261-3215

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Instrumentation  
Laboratory

**INVENTION DISCLOSURE**

**INVENTORS**

*MELANIE SHIN  
SOHRAB MANSOURI  
DENNIS CONLON*

**DESCRIPTIVE  
TITLE OF  
INVENTION**

***ADDITION OF CHOLINE CHLORIDE TO CALIBRATION SOLUTIONS  
FOR THE REDUCTION OF OXYGEN DECAY***

**BEST AVAILABLE COPY****INVENTION DISCLOSURE**

**INVENTORS:** MELANIE SHIN  
SOHRAB MANSOURI  
DENNIS CONLON

**DESCRIPTIVE**  
**TITLE OF**  
**INVENTION:**

*Addition of Choline Chloride to Calibration Solutions  
for the Reduction of Oxygen Decay*

**DESCRIPTION OF INVENTION**

Our recent study found that choline chloride added to the calibration solution significantly reduced oxygen decay rates.

Melanie Shin ..... *Melanie Shin* ..... Date:  
Sohrab Mansouri ..... *Sohrab Mansouri* ..... Date:  
Dennis Conlon ..... *Dennis Conlon* ..... Date:

Read, understood and witnessed by: *J. D. Conlon* ..... Date:



Figure 1 shows oxygen decay rates of bags with and without choline chloride. Figure 2 shows oxygen decay rates of bags with and without choline chloride in the presence of heparin, which is known to increase oxygen decay rates. In both cases, choline chloride greatly reduced oxygen decay rates.

Based on the conclusion above, the invention of adding choline chloride to calibration solutions to reduce oxygen decay rate is claimed in this patent disclosure. The invention is applicable to any calibration solutions or quality control solutions contained in a sealed bag.

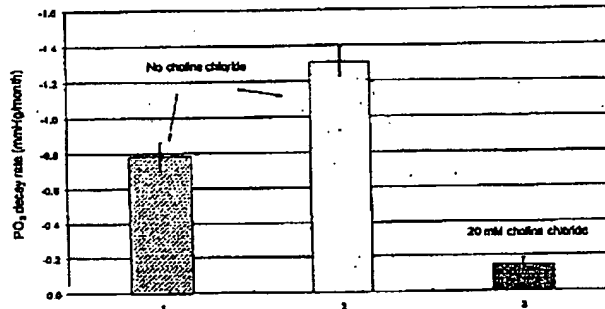


Figure 1. Oxygen decay rates of bags with and without choline chloride. Rate is an average of three bags within a lot and based on six-month shelf life. Error bar represents standard deviation of three bags.

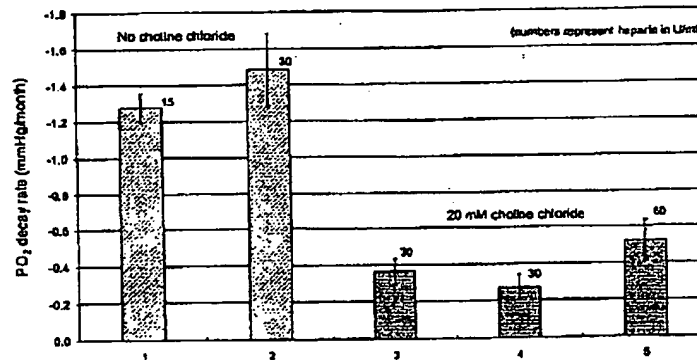


Figure 2. Oxygen decay rates of bags with and without choline chloride in presence of various amounts of heparin.

Melanie Shin

Sohrab Mansouri

Dennis Conlon

*Melanie Shin* Date:  
*Sohrab Mansouri* Date:  
*Dennis Conlon* Date:

Read, understood and witnessed by: *Paul D'Arcy* Date:

Melanie Shin ..... *Melanie Shin* ..... Date:  
Sohrab Mansouri ..... *Sohrab Mansouri* ..... Date:  
Dennis Conlon ..... *Dennis Conlon* ..... Date:

Read, understood and witnessed by: *Paul D'Argy* ..... Date: